

AMENDMENT 1

6 AAC 50.005. APPLICABILITY OF THE ACMP CONSISTENCY REVIEW PROCESS. (a) A project is subject to the consistency review process described in this chapter when

(1) ...

(2) the activity is [LOCATED]

(A) located within the coastal zone; or

(B) [OUTSIDE THE COASTAL ZONE, INCLUDING FEDERAL LANDS EXCLUDED FROM THE COASTAL ZONE, AND IS] subject to a consistency determination under 15 C.F.R. 930 [; OR

(C) INLAND OF THE COASTAL ZONE AND WITHIN A PERMIT NOTIFICATION AREA, AND THE COASTAL RESOURCE DISTRICT DEMONSTRATES, WITHIN 30 DAYS OF THE NOTICE OF THE PERMIT FOR THAT ACTIVITY, THAT THE ACTIVITY WILL LIKELY HAVE A DIRECT AND SIGNIFICANT IMPACT ON MARINE COASTAL WATERS].

(b) ...

AMENDMENT 2

6 AAC 50.005. APPLICABILITY OF THE ACMP CONSISTENCY REVIEW PROCESS. (a) ...

(c) The consistency response under 6 AAC 50.305-.395 or [AND] 6 AAC 50.405-.495 is the only consistency determination required for a project that is a federal activity or federally regulated activity that may also require a state agency authorization.

AMENDMENT 3

6 AAC 50.025. SCOPE OF PROJECT SUBJECT TO CONSISTENCY REVIEW. (a) ...

(b) Except as provided under AS 46.40.094 and 6 AAC 50.700, the scope of the project subject to a consistency review must, at a minimum, include

(1) each activity that requires a state agency authorization identified under 6 AAC 50.750;

(2) each activity that requires a federal agency authorization identified under 6 AAC 50.405; and

(3) a federal activity and its associated facilities.

[(c) EXCEPT AS PROVIDED UNDER AS 46.40.094 AND 6 AAC 50.700, THE COORDINATING AGENCY MAY INCLUDE ACTIVITIES ASSOCIATED WITH A PROJECT IN THE SCOPE OF THE PROJECT SUBJECT TO A CONSISTENCY REVIEW THAT

(1) OCCUR IN CLOSE PROXIMATE TIME AND LOCATION TO THE ACTIVITIES SUBJECT TO REVIEW UNDER (b) OF THIS SECTION;

(2) MEET THE REQUIREMENTS OF 6 AAC 50.005(a)(2); AND

(3) ARE THE EXPRESS SUBJECT OF AN ENFORCEABLE POLICY CONTAINED IN A POTENTIALLY AFFECTED COASTAL RESOURCE DISTRICT'S COASTAL MANAGEMENT PLAN.

(D) IN THIS SECTION, "EXPRESS SUBJECT OF AN ENFORCEABLE POLICY" MEANS THAT THE ACTIVITY IN QUESTION IS SPECIFICALLY IDENTIFIED IN THE ENFORCEABLE POLICY AS A TYPE OF ACTIVITY ADDRESSED BY THE ENFORCEABLE POLICY.]

AMENDMENT 4

6 AAC 50.240. INITIATION OF A CONSISTENCY REVIEW. (a) When a project requires an authorization from two or more resource agencies, DGC shall, following receipt of a complete consistency review packet, start Day 1 of the consistency review as soon as practicable, but no more than 14 days from the date DGC receives a complete consistency review packet under 6 AAC 50.220.

(b) ...

AMENDMENT 5

6 AAC 50.260. PROPOSED CONSISTENCY DETERMINATION. (a) ...

(i) When a project is modified under (h)(3)(B) of this section, or if the coordinating agency is able to informally resolve an issue that has or could result in the submission of a request for elevation under 6 AAC 50.600, the [THE] coordinating agency, with the applicant's concurrence, may issue a revised proposed consistency determination

(1) BASED UPON A PROJECT MODIFICATION DEVELOPED UNDER (h)(3)(B) OF THIS SECTION; OR

(2) IF THE COORDINATING AGENCY IS ABLE TO INFORMALLY RESOLVE AN ISSUE THAT HAS OR COULD RESULT IN THE SUBMISSION OF A REQUEST FOR ELEVATION UNDER 6 AAC 50.600].

AMENDMENT 6

6 AAC 50.260. PROPOSED CONSISTENCY DETERMINATION. (a) ...

(j) The coordinating agency may immediately issue a final consistency determination under 6 AAC 50.265 if the review participants concur with the proposed consistency determination and the applicant adopts [ALL OF] the alternative measures, if any, identified under (h)(3) of this section.

AMENDMENT 7

6 AAC 50.280. CONSISTENCY REVIEW SCHEDULE

MODIFICATION AND TERMINATION. (a) The coordinating agency may modify the consistency review schedule under the following circumstances and for the time specified:

(1) ...

(7) the coordinating agency may modify the review schedule to obtain legal guidance addressing an apparent conflict between statutory or regulatory provisions [AS NECESSARY IF THE DIRECTOR FINDS A SIGNIFICANT CONFLICT BETWEEN STATE AUTHORITIES THAT REQUIRES LEGAL GUIDANCE];

(8) ...

AMENDMENT 8

6 AAC 50.280. CONSISTENCY REVIEW SCHEDULE

MODIFICATION AND TERMINATION. (a) The coordinating agency may modify the consistency review schedule under the following circumstances and for the time specified:

(1) ...

(12) when the coordinating agency issues a revised proposed consistency determination under 6 AAC 50.260(i) or 6 AAC 50.475(e), the coordinating agency may modify the review schedule by up to 5 days to allow for the submission of an elevation under 6 AAC 50.600;

(13) when the coordinating agency receives a request for elevation under 6 AAC 50.600, the coordinating agency shall suspend the review schedule by up to 15 days for each elevation.

AMENDMENT 9

6 AAC 50.475. PROPOSED CONSISTENCY RESPONSE TO A CONSISTENCY CERTIFICATION. (a) ...

(d) In addition to the requirements in (b) of this section, when the state objects to the applicant's consistency certification, DGC shall notify the applicant, the federal agency, and the Director of OCRM of its objection in the proposed consistency response. The response shall include

(1) ...

(3) any alternative measure that, if adopted by the applicant, would achieve consistency with the applicable enforceable policies of the ACMP, and an explanation of how the alternative measure would achieve consistency with the enforceable policies of the ACMP; the alternative measure shall be described with sufficient specificity to allow the applicant to determine whether to

(A) adopt the alternative measure;

(B) ...

AMENDMENT 10

6 AAC 50.475. PROPOSED CONSISTENCY RESPONSE TO A CONSISTENCY CERTIFICATION. (a) ...

(f) The coordinating agency may immediately issue a final consistency determination under 6 AAC 50.485 if the review participants concur with the proposed consistency determination and the applicant adopts the alternative measures, if any, identified under (d)(3) of this section.

(g) A proposed consistency response is not the final response for purposes of federal consistency and is subject to elevation under 6 AAC 50.600.

AMENDMENT 11

6 AAC 50.600. ELEVATION PROCESS. (a) ...

(c) An elevation is limited to consideration of

(1) ...

(2) any alternative measure or other project modification [IDENTIFIED]
that would achieve consistency with the enforceable policies of the ACMP.

(d) ...

AMENDMENT 12

6 AAC 50.600. ELEVATION PROCESS. (a) ...

(f) The coordinating agency shall invite the resource agencies, the applicant and any affected coastal resource district [, AND MAY INVITE ANOTHER AFFECTED PARTY] to participate in, and may invite any other affected party to attend, the meeting arranged under (e) of this section.

(g) ...

AMENDMENT 13

6 AAC 50.700. USE OF GENERAL AND NATIONWIDE PERMITS, CATEGORICALLY CONSISTENT DETERMINATIONS, GENERAL CONSISTENCY DETERMINATIONS, AND GENERAL CONCURRENCES IN PROJECT CONSISTENCY REVIEWS. (a) When an activity that is part of a project is authorized by a general or nationwide permit that was previously evaluated and found consistent with the enforceable policies of the ACMP, the scope of the project subject to review may [SHALL] exclude the activity authorized by the general or nationwide permit in accordance with AS 46.40.096(h) [UNLESS THE COORDINATION AGENCY DETERMINES THAT THERE MAY BE CONSISTENCY ISSUES RELATED TO THE ACTIVITY THAT WERE NOT CONSIDERED IN THE GENERAL OR NATIONWIDE PERMIT CONSISTENCY REVIEW].

(b)...

AMENDMENT 14

6 AAC 50.990. DEFINITIONS. (a) In this chapter, unless the context indicates otherwise

(1)...

(6) “authorization” means

(A) any permit, license, authorization, certification, approval or other form of permission that a resource agency is empowered to issue to an applicant, except [EXPECT] for a notice of intent required to obtain a general permit reviewed and approved under this chapter; and

(B) a federal permit or license and has the meaning given in 15 C.F.R. 930, as amended;

(7) ...

AMENDMENT 15

6 AAC 50.990. DEFINITIONS. (a) In this chapter, unless the context indicates otherwise

(1) ...

(33) [“PERMIT NOTIFICATION AREA” MEANS AN AREA INLAND OF THE COASTAL ZONE BOUNDARY, WITHIN A COASTAL RESOURCE DISTRICT’S POLITICAL BOUNDARY, AND APPROVED BY THE COUNCIL, IN WHICH AN ACTIVITY MAY HAVE A REASONABLY FORESEEABLE EFFECT ON MARINE COASTAL WATERS;]

(34) ...

AMENDMENT 16

6 AAC 50.990. DEFINITIONS. (a) ...

(b) For purposes of AS 46.40.096 (g)(1) and this chapter, “direct and significant impact” means an impact that proximately contributes to a material [EFFECT OF A PROJECT THAT WILL LIKELY CONTRIBUTE OR LEAD TO A SIGNIFICANT] change in or alteration of [THE] natural, social, cultural, or economic characteristics of a coastal use or resource.

AMENDMENT 17

6 AAC 50.500. PUBLIC NOTICE. (a) ...

(b) To provide sufficient public notice of a consistency review, a notice must

(1) ...

(5) be

(A) published in a newspaper of general circulation within a district that the coordinating agency considers to be an affected coastal resource district or within an area that the agency considers the project will likely affect; or

(B) posted

(i) on an internet website dedicated to consistency review public notices; and

(ii) posted in at least one public place within a district that the coordinating agency considers to be an affected coastal resource district or within an area that the agency considers the project will likely affect; and

(6) be provided by mail or electronically [MAILED] to each person who has requested from the coordinating agency public notice of

(A) the project; or

(B) any project affecting a specific coastal district [FROM THE COORDINATING AGENCY].

(c) The coordinating agency shall consult with coastal districts to determine how to effectively public notice projects within that coastal district based upon differences in project type, anticipated effect of the project on coastal resources and uses, common use of or reliance on various media by district residents, other state or federal notice requirements, and time and fiscal constraints.

(d) A coordinating agency may issue a joint public notice of a consistency review with other state or federal agencies if that notice complies with the minimum requirements identified in this section. To the extent feasible, the state or federal agency and the coordinating agency will ensure that the joint public notice includes

(1) a reference to the agency's authorization; and

(2) a solicitation of comments on the agency's authorization.

(e [D]) If a public notice of a consistency review is issued that would not comply with the minimum requirements of this section, the coordinating agency shall issue a supplemental notice that does comply.

AMENDMENT 18

6 AAC 50.990. DEFINITIONS. (a) In this chapter, unless the context indicates otherwise

(1) ...

(35) “project” means all activities that will be part of a proposed coastal development [, THAT ARE SUBJECT TO THE CONSISTENCY REVIEW REQUIREMENTS UNDER THIS CHAPTER];